

REMARKS

This Amendment is being filed in response to the Final Office Action mailed June 8, 2009, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2, 4-15, 18 and 21 remain in this application, where claims 16-17 and 19-20 have been currently canceled without prejudice. Claims 1 and 9 are independent.

In the Final Office Action, claims 1-2 and 4-21 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,670,765 (Muto) in view of U.S. Patent No. 5,572,091 (Langer). Applicants respectfully traverse and submit that claims 1-2, 4-15, 18 and 21, as amended, are patentable over Muto and Langer for at least the following reasons.

Muto is directed to a metal halide discharge lamp can include a light emitting tube having a discharge chamber formed in the light emitting tube and containing no mercury. As recited on

column 8, lines 49-51, "[t]he total amount of all metal halides sealed in the discharge chamber 2 is 0.4 mg."

It is respectfully submitted that Muto does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 9 which, amongst other patentable elements, recites (illustrative emphasis provided) :

wherein total content of the metal halide mixture in the ionizable filling calculated as metal iodide amounts to <350 µg.

A lamp having a total content of the metal halide mixture in the ionizable filling of less than 350 µg, as described on page 3, lines 15-17 of the specification, is nowhere disclosed or suggested in Muto. Rather, Muto discloses having 0.4 mg of metal halides. Langer is cited to allegedly show other features and do not remedy the deficiencies in Muto.

Accordingly, it is respectfully submitted that independent claims 1 and 9 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2, 4-8, 10-15, 18 and 21 should also be allowed at least based on their dependence from independent claims 1 and 9.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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